

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ZACHARY GIAMBALVO, JOHN MOUGIOS,
SHANE MASHKOW, KEVIN MCLAUGHLIN,
MICHAEL MCGREGOR, FRANK MELLONI,
and RENAISSANCE FIREARMS INSTRUCTION,
INC., and all similarly situated individuals,

Plaintiffs,

22 Civ. 04778 (GRB)(ST)

-against-

SUFFOLK COUNTY, New York,
Police Commissioner RODNEY HARRISON,
in his Official Capacity, MICHAEL
KOMOROWSKI, Individually, ERIC BOWEN,
Individually, WILLIAM SCRIMA, Individually,
WILLIAM WALSH, Individually, THOMAS
CARPENTER, Individually, JOHN DOES
1-5, Individually and JANE DOES 1-5,
Individually, Acting Superintendent of the New York
State Police STEVEN NIGRELLI, in his Official
Capacity,

Defendants.

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**DECLARATION OF
JOHN MOUGIOS**

JOHN MOUGIOS, declares pursuant to 28 U.S.C. § 1746 that:

1. I am a plaintiff in the above-captioned matter. I make this Declaration of my own personal knowledge and if called as a witness, I could and would testify competently to the truth of the matters set forth herein.

2. I submit this Declaration in support of Plaintiffs' application to preliminarily and permanently enjoin enforcement of policies and procedures of the Suffolk County Police Department and certain state statutes that are violating my right to purchase, possess, and carry a handgun for self-protection.

3. I am a resident of Suffolk County, New York. I have no prohibitions or disqualifications to the lawful purchase, receipt, possession, or ownership of firearms.

4. I intend to immediately purchase, possess, and carry a Berretta Px4 Storm from Bensons Gun Shop, an FFL located in Coram, New York. I would have already purchased a Px4 but for the fact that I cannot legally purchase or possess a handgun until SCPD issues my handgun license.

5. I should not have to, and will not, be subjected to a discretionary licensing scheme where I have to, among other things, provide my social media account information, personal relationship and family information, undergo an in-person interview, the 18-hour training requirements, and the character reference information required by the CCIA.

6. I intend to carry a handgun concealed for self-defense without being subject to the “proper cause” requirement rejected by *Bruen*, but SCPD apparently is not abiding by the Constitution because the SCPD guide to obtaining a pistol license still contains the ‘proper cause’ requirement for issuing a concealed carry license.

7. In 2021, I visited the SCPD website to identify the process and procedure for applying for a New York State handgun license.

8. In July 2021, I submitted the completed Applicant Questionnaire and \$10 fee to SCPD. There was no other application available to fill out or even mentioned.

9. I have not heard anything from the Licensing Bureau, no investigator has been assigned to my application, I have not been scheduled for an appointment to be fingerprinted or photographed, have not been provided with the State Application, and will not have my appointment for ***up to another year*** based on SCPD procedures.

10. I would submit my completed PPB-3 application, the 2 required photographs, and my fingerprint-based unsuppressed criminal history report from the Division of Criminal Justice

Services to SCPD, but I cannot because SCPD does not provide the information necessary for me to obtain my criminal history report and will not accept the PPB-3 upon presentment.

11. The state requirement that a license issue within 6 months from filing the State application should be enjoined, as should SCPD's lengthy licensing procedure. Any firearm licensing process that takes more than 30 days is too long to wait to exercise a preexisting right.

12. I also object to the 18-hour training requirement before being able to carry a handgun for self-defense, and I will not comply.

13. I received an Honorable Discharge after serving for 6 years in the New York Army National Guard where I was assigned to Bravo Company, 1/69th Infantry Division. In service, I received extensive firearms training and over 2½ years of experience as a Team Leader conducting live fire exercises and teaching basic infantry tactics and weapons safety courses. I should not have to spend time and money on additional firearms training.

14. More importantly, protecting myself with a handgun is a guaranteed individual right of mine that cannot be conditioned on, or delayed, by such a regulation.

15. I also object to providing character references. Before a firearms license is issued, I will have submitted to a fingerprint-based background investigation through the federal and state databases, which will reveal whether I have any state and/or federal disqualifiers to firearm possession, which I do not. My right to possess handguns and protect myself and my family is not dependent on third parties – whether that means disclosing my application to them, seeking their recommendation, or otherwise. It also violates my rights to be forced to disclose to third parties that I am applying for a firearm license and/or that I possess and/or carry firearms.

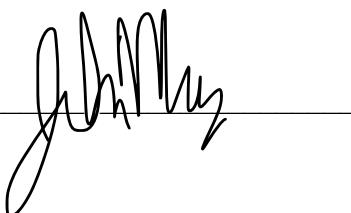
16. I intend to carry a handgun concealed for self-protection, but I will not comply with the disclosure of information like providing my social media accounts, personal relationships

and family information, an in-person interview, or the subjective ‘moral character’ language. I also do not want to be at the mercy of a county employee with discretion to require me to provide “any such other information” as the new regulations allow. None of that information has any relevance to the fact that I have no disqualifiers under state or federal law to the purchase, receipt, transfer, or possession of firearms.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 2, 2022

John Mougios

A handwritten signature in black ink, appearing to read "John Mougios", is written over a horizontal line. The signature is fluid and cursive, with a large loop on the left and smaller loops and strokes extending to the right.